

PHILLIP A. TALBERT
United States Attorney
JESSICA A. MASSEY
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO BALLARDO QUINTERO, and
JUAN SUAREZ, JR.,

Defendants.

CASE NO. 1:21-CR-00257-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: October 5, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and RICARDO BALLARDO QUINTERO, and JUAN SUAREZ, JR., by and through defendants' counsel of record, Robert Lee Forkner and Preciliano Martinez, respectively, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 5, 2022.
2. By this stipulation, defendant now moves to continue the status conference until November 30, 2022, and to exclude time between October 5, 2022, and November 30, 2022, under Local Code T4.
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendants ultimately do not enter a guilty plea and decide to proceed to trial, the parties agree and stipulate, and request that the Court find the following:

1 a) The government asserts the discovery associated with this case includes reports,
2 photographs, and recordings; discovery has been provided to defense counsel. The government
3 is aware of its ongoing discovery obligations.

4 b) The government will provide plea offers to defendants via counsel.

5 c) Counsel for defendants desire additional time to consult with their clients, to
6 review the current charges, to conduct investigation and research related to the charges, to review
7 and/or copy discovery for this matter, to discuss potential resolutions with their clients, to
8 prepare pretrial motions, and to otherwise prepare for trial.

9 d) Counsel for defendants believe that failure to grant the above-requested
10 continuance would deny them the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 e) The government does not object to the continuance.

13 f) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendants in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of October 5, 2022 to November 30,
18 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4], because it results from a continuance granted by the Court at defendants' request on the
20 basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25
26 IT IS SO STIPULATED.
27
28

1 Dated: September 28, 2022

PHILLIP A. TALBERT
United States Attorney

2 /s/ JESSICA A. MASSEY
3 JESSICA A. MASSEY
Assistant United States Attorney

4 Dated: September 28, 2022

5 /s/ ROBERT LEE FORKNER
6 ROBERT LEE FORKNER
Counsel for Defendant
7 RICARDO BALLARDO
QUINTERO

8 Dated: September 28, 2022

9 /s/ PRECILIANO MARTINEZ
10 PRECILIANO MARTINEZ
Counsel for Defendant
11 JUAN SUAREZ JR.

12
13
14 **ORDER**

15 IT IS SO ORDERED.

16
17
18 DATED: 9/28/2022

19 Sheila K. Oberto
20 Hon. Sheila K. Oberto
U.S. Magistrate Judge